

IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**ERIC FREELAND, individually and on behalf of all  
others similarly situated,**

**Plaintiff,**

**-against-**

**FINDLAY's TALL TIMBERS DISTRIBUTION  
CENTER D/B/A/ OHIO LOGISTICS,**

**Defendant.**

**Case No: 24 Civ. 3139**

**STIPULATION OF VOLUNTARY DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Eric Freeland ("Plaintiff") and Findlay's Tall Timbers Distribution Center d/b/a Ohio Logistics ("Defendant"), by and through their undersigned counsel, pursuant to Rule 42(b)(1) of the Federal Rules of Appellate Procedure, that this appeal be and hereby is voluntarily dismissed in its entirety without prejudice. Plaintiff will bear all associated costs and court fees due with this appeal. Plaintiff reserves the right to file an appeal of the District Court's November 1, 2024 order upon final judgment of this action by the United States District Court for the Western District of New York.

Dated: New York, New York  
December 27, 2024

**FITAPELLI & SCHAFFER, LLP**

By: s/ Brian S. Schaffer

Brian S. Schaffer  
Hunter G Benharris  
28 Liberty Street, 30th Floor  
New York, NY 10005  
bschaffer@fslawfirm.com  
hbenharris@fslawfirm.com

**GOLDBERG SEGALLA LLP**

By: s/ Christopher P. Maugans

Christopher P. Maugans, Esq.  
Anoop S. Kahlon, Esq.  
665 Main Street  
Buffalo, New York 14203  
cmaugans@goldbergsegalla.com  
akahlon@goldbergsegalla.com